

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

-v.-

COLLECTOR'S COFFEE INC., et al.,

Defendants.

ORDER

19 Civ. 4355 (LGS) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

To the extent the purpose of Docket # 582 is to seek relief relating to discovery, the request is denied for failure to comply with paragraph 2.A of the Court's Individual Practices. To the extent it seeks a "stay" of the time to respond to Docket # 497, the request is denied as moot given that the time to respond to that letter expired more than two months ago. While the letter is unclear that Kontilai has made appropriate efforts to obtain from his former attorneys a copy of electronic files produced to the SEC, the Court notes that an obvious method for getting a copy of an electronic file produced to another party is to ask that party to send a copy.

On a separate point: in light of the representation in Docket # 585 regarding whether the attorneys held a conference on September 29, 2020, and the description contained in the Declaration of George Lambert dated September 29, 2020 (Docket # 579-1), Mr. Lambert is directed to file letter explaining why it was not misleading to have stated to the Court in his letter of September 29, 2020 (Docket # 579), that "[o]n September 29, 2020, Kontilai's new counsel conducted a conference, at which the latest attempts to get the portions of the representation file be transferred immediately met the usual pretexts to delay such transfers." Mr. Lambert is reminded that a Court relies on representations made in a letter as being completely truthful and accurate and a Court must not be expected to scour attachments to determine whether statements made in a letter are misleading. The filing required by this paragraph shall be made on or before October 9, 2020.

So Ordered.

Dated: October 5, 2020
New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge